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BUSINESS, LABOR TACKLE WORKER VISAS

By Laura Meckler
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Senators writing an immigration bill are hoping that two longtime adversaries – big business and labor unions – will make the task easier.

The U.S. Chamber of Commerce, the AFL-CIO and the Service Employees International Union have been meeting for weeks to try to fashion rules for how low-skilled workers would be admitted into the U.S. in the future under the still-unwritten legislation. The goal is to devise a visa program, separate from one aimed at farm workers, to fill jobs at hotel, janitorial, meat-packing and other companies that use low-skilled employees.

By all accounts, the Chamber and labor groups are working intensively toward a solution, but a host of tricky questions will make reaching an agreement tough.

Among them: How many workers would be let in each year, and who would set the number? How could employers prove they tried to recruit Americans before hiring from abroad? Also unclear is whether the workers would stay temporarily or become eligible, eventually, to become American citizens.

The Chamber and the unions are trying to work through those questions, with labor favoring more rights and flexibility for workers, and the Chamber wanting the same for businesses.

In general, labor unions have long resisted the creation of such programs, fearing that an influx of low-skilled workers would depress wages and create unfair competition for Americans. In 2007, the AFL-CIO opposed a Senate immigration bill similar to that being discussed now, partly because it did not like a temporary-worker program it included.

"The biggest concern has always been that when workers are brought in, it lowers wages for everybody," said Eliseo Medina, the SEIU secretary-treasurer.

Employers say the existing visa system gives businesses that face a genuine shortage of workers few opportunities to hire needed employees. "If an employer goes through a tight process and can't find an American worker, they ought to have access to a temporary-worker program that works," said Randy Johnson, senior vice president of the Chamber.

In 2010, when Sens. Charles Schumer (D., N.Y.) and Lindsey Graham (R., S.C.) were negotiating over an immigration bill, they asked the Chamber and the AFL-CIO to work out an agreement on a temporary-worker program. Officials met but never came to agreement, a failure most attribute to an understanding on both sides that the legislation was not likely to advance.

In the aftermath of the 2012 election, the push to overhaul immigration laws gained new life. Sens. Schumer and Graham met again with Chamber President Tom Donohue and AFL-CIO President Richard Trumka in December, and asked them to renew their effort to come to a common position. Their staffs have been meeting regularly since then, along with representatives from the SEIU.

"We want to have as broad a coalition as possible, because this is hard to pass," Mr. Schumer said in an interview.

One of the biggest unsettled questions is how many new workers should be admitted each year. The unions want an independent commission to make a recommendation based on local labor-market conditions, with limits set for, say, the number of hotel workers in Chicago.

The Chamber's Mr. Johnson responded that timely data were not available to make that sort of detailed assessment. He said that because lawmakers will require employers to try recruiting Americans before looking to foreigners, they should place no limit on the number of workers allowed from abroad.

It is likely, however, that lawmakers will set an overall limit in order to retain support from unions, said a business official familiar with the talks. He suggested the limit be set at about 500,000 workers a year.

A bipartisan framework for legislation endorsed by eight senators touches on many of the questions. It says employers should be allowed to bring in foreign workers if they cannot recruit Americans for open jobs, but it does not say how employers must prove that they made the effort. The framework says more workers should be let into the U.S. when the economy is strong and fewer when it is weak, but doesn't specify what the numbers should be or who should set them.

Both labor and business say their talks are going well, and that both sides are invested in finding a common position. Ana Avendano, director of immigration and community action at the AFL-CIO, said that in the past, their negotiations were heavily laced with politics. Now, she said, "we're really working together. I can't say we're there yet, but our conversations are well intentioned."